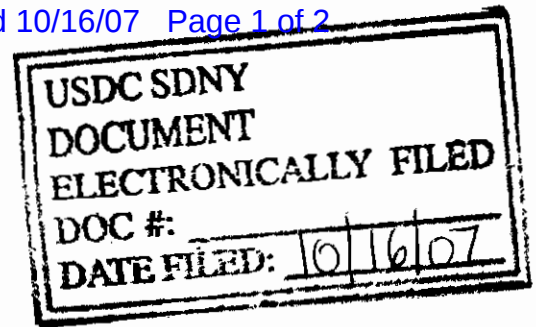


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ROBERT MANDELL, ET AL.,

Plaintiffs,

06 Civ. 460 (RWS)

-against-

MEMORANDUM OPINION
AND ORDER

THE MAXON COMPANY, INC. and
LOCAL 210 HEALTH & INSURANCE FUND,

Defendants.

-----X

Sweet, D.J.

On September 4, 2007, Plaintiff Robert Mandell (the "Plaintiff" or "Mandell") filed a motion to extend the discovery and motion filing deadlines in this action. For the reasons stated below, the motion will be denied.


Plaintiff's motion seeks the extension of the period for discovery and the filing of additional motions, with the stated intent of moving for sanctions and amendment of the Complaint to seek punitive damages. In his filing, Plaintiff accuses Defendants The Maxon Company, Inc. and Local 210 Health Insurance Fund (the "Defendants") of withholding a subrogation agreement (the "Subrogation Agreement") signed by Plaintiff's predecessor-in-interest, Genaro Domes ("Domes").

Defendants have admitted that because of an administrative error, the Subrogation Agreement was misfiled and subsequently not provided to Plaintiff. Plaintiff obtained it from a former attorney for Domes, and has accordingly suffered no prejudice from Defendants' oversight.

There being no showing by Plaintiff of the need to obtain additional discovery material or of prejudicial malfeasance by the Defendants, Plaintiff's motion is denied.

It is so ordered.

New York, NY
October, 15 2007



ROBERT W. SWEET
U.S.D.J.